

GENERAL ORDERS, }

No. 42.

WAR DEPARTMENT,

ADJUTANT GENERAL'S OFFICE.

Washington, February 13, 1863.

I..At a General Court Martial, which convened at Fort Columbus, New York harbor, November 20, 1862, pursuant to Special Orders, No. 232, September 10, and No. 267, September 29, 1862, from the War Department, and of which Colonel GUSTAVUS LOOMIS, 5th U. S. Infantry, is President, was arraigned and tried—

First Lieutenant *James W. Weir*, 14th U. S. Infantry.

**CHARGE 1st.**—"Neglect of duty."

*Specification 1st*—"In this; that he, Lieutenant *James W. Weir*, 14th Infantry, U. S. Army, having been detailed on Regimental Recruiting Service, per Regimental Order, No. 31, of January 20, 1862, furnished with the necessary blanks and funds for maintenance of said service, did neglect the performance of said duties, by non-rendition of his returns, enlistments, and accounts, from on or about March 1, 1862, to on or about October 7, 1862; this to the inconvenience and detriment of the public service and of his regiment. All this at Reading, Pennsylvania."

*Specification 2d*—"In this; that he Lieutenant *James W. Weir*, of the 14th Regiment aforesaid, did forward to Regimental Headquarters, on or about the 20th July, 1862, a detachment of recruits enlisted by him, of six or seven men, without enlistments, descriptive lists, or account of clothing, which neglect has not yet been remedied; this to the prejudice of the public service. All this at Reading, Pennsylvania, between the 1st day of March, 1862, and the 7th day of October, 1862."

**CHARGE 2d.**—"Absence without leave."

*Specification 1st*—"In this; that he, Lieutenant *James W. Weir*, of the 14th Regiment aforesaid, did absent himself from his station, at Reading, Pennsylvania, from on or about July 4, 1862, to July 7, 1862, without proper authority. All this at Reading, Pennsylvania, in the month of July, 1862."

*Specification 2d*—"In this; that he, Lieutenant *James W. Weir*, of the 14th Regiment aforesaid, did absent himself from his station, at Reading, Pennsylvania, from on or about the 22d August, 1862, until the 28th August, 1862; this without proper authority. All this at Reading, Pennsylvania, in the month of August, 1862."

**CHARGE 3d.**—"Conduct unbecoming an officer and a gentleman."

*Specification 1st*—"In this; that he, Lieutenant *James W. Weir*, of the 14th Regiment aforesaid, on being censured by his superior officer, Captain Ross, Assistant Superintendent of Regimental Recruiting Service for said Regiment, for absenting himself from his station without proper authority, did deny his ever having done so, which denial was false and untrue. All this at Reading, Pennsylvania, on or about the 2d day of June, 1862."

*Specification 2d*—"In this; that he, Lieutenant *James W. Weir*, of the 14th Regiment aforesaid, on being censured by Captain Ross, 14th Infantry, U. S. A., Assistant Superintendent of Regimental Recruiting Service for said Regiment, for being absent at different periods from his station, at Reading, Pennsylvania, without proper authority, did assert in a letter to said Captain Ross, that he had permission to be so absent from Major Williams, of his regiment, which assertion was false and untrue. All this at Reading, Pennsylvania, on or about the 2d day of June, 1862."

**CHARGE 4th.**—"Disobedience of orders."

*Specification*—"In this; that he, Lieutenant *James W. Weir*, of the 14th Regiment aforesaid, being repeatedly ordered by his commanding officer, Major G. R. Giddings, 14th Infantry, U. S. A., to forward to Regimental Headquarters certain papers, enlistments, returns, &c., pertaining to his duty as Recruiting Officer, did neglect to do so. All this at Reading, Pennsylvania, between the 1st day of March, 1862, and the 7th day of October, 1862."

To which charges and specifications the accused pleaded as follows:

To the 1st *Specification*, 1st Charge, "Not Guilty."

To the 2d *Specification*, 1st Charge, "Not Guilty."

To the 1st **CHARGE**, "Not Guilty."

To the 1st *Specification*, 2d Charge, "Not Guilty."

To the 2d *Specification*, 2d Charge, "Not Guilty."

To the 2d CHARGE, "Not Guilty."

To the 1st *Specification*, 3d Charge, "Not Guilty."

To the 2d *Specification*, 3d Charge, "Not Guilty."

To the 3d CHARGE, "Not Guilty."

To the *Specification*, 4th Charge, "Not Guilty."

To the 4th CHARGE, "Not Guilty."

#### FINDING.

The Court, after mature deliberation upon the testimony adduced, finds the accused as follows:

Of the 1st *Specification*, 1st Charge, "Guilty."

Of the 2d *Specification*, 1st Charge, "Guilty."

Of the 1st CHARGE, "Guilty."

Of the 1st *Specification*, 2d Charge, "Guilty."

Of the 2d *Specification*, 2d Charge, "Not Guilty."

Of the 2d CHARGE, "Guilty."

Of the 1st *Specification*, 3d Charge, "Guilty."

Of the 2d *Specification*, 3d Charge, "Guilty."

Of the 3d CHARGE, "Not Guilty."

Of the *Specification*, 4th Charge, "Guilty."

Of the 4th CHARGE, "Not Guilty; but Guilty of conduct highly prejudicial to good order and to military discipline."

#### SENTENCE.

And the Court does therefore sentence him, 1st Lieutenant *James W. Weir*, 14th U. S. Infantry, "*To be dismissed the service of the United States.*"

II..The proceedings, findings, and sentence in the foregoing case are approved, and 1st Lieutenant *James W. Weir* ceases to be an officer of the Army.

BY ORDER OF THE SECRETARY OF WAR:

L. THOMAS,  
*Adjutant General.*

OFFICIAL:

*Assistant Adjutant General.*